IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7747 of 2000

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHAMALBHAI MARGHABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR AB MUNSHI for Petitioner

MR BY MANKAD AGP for Respondent No. 1

RULE NOT RECD BACK for Respondent No.3,4,5,6,7,8,9

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 23/02/2001

ORAL JUDGEMENT

Heard the learned advocates.

Mr. Munshi states that the petitioner is an

agriculturist within the meaning of the Bombay Tenancy & Agricultural Lands Act 1948 [hereinafter referred to as, `the Act'] and even otherwise in view of the Gujarat Ordinance No. 5 of 2000, published on 6th November, 2000, the petitioner can now be said to be an `agriculturist' within the meaning of the Act and the transfer in question made in favour of the petitioner cannot be said to have been made in contravention of the Act. He further states that in view of the above referred Ordinance and the Government Circular dated 20th November, 2000, the petitioner shall have to approach the concerned Mamlatdar in the subject matter of this petition. He, therefore, seeks leave to withdraw this petition. Leave is granted. Petition is disposed of as withdrawn. Rule is discharged. Ad-interim relief is vacated. It is clarified that the petitioner shall be at liberty to approach the concerned Mamlatdar in the subject matter of this petition.

[Miss R.M Doshit, J.]

Prakash*